

**TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE
BOARD OF REVIEW - MEETING OF JUNE 2, 2011**

MEMBERS PRESENT: Jack Messina, Chairperson James Dodge, Vice Chairperson; Michael Bosco; Larry Vail; Jill Fieldstein; Paul Papay and Dan Sherman

MEMBERS ABSENT: None

ALSO PRESENT: Barbara Gionta, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Jack Messina, Chairperson, called the meeting to order at 7:30 p.m. Mr. Messina read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below.

Continued Item:

Highland Mews at Sparkill Plans

Review of Site/Structure Plans
Sparkill Hamlet Overlay Zone
77.08/5/49; CS zoning district

ACABOR #11- 09

**Approved with a
Modification and
Conditions**

New Item:

Muddy Brook Café Plan

Review of Outdoor Café Plan
68.20/1/8; CS zoning district

ACABOR #11- 13

**Approved with a
Modification and
Condition**

A motion was made to adjourn the meeting by Paul Papay and seconded by Larry Vail and agreed by all in attendance. The Decisions on the above hearings, which Decisions are made by the Board before the conclusion of the meeting and are mailed to the applicant. The verbatim minutes are not transcribed, but are available. As there was no further business before the Board, the meeting was adjourned at 9:30 p.m. The next ACABOR Meeting is scheduled for June 16, 2011.

Dated: June 2, 2011

Town of Orangetown

Architecture and Community Appearance Board of Review

**ACABOR #11- 09
Town of Orangetown Architecture and Community Appearance
Board of Review Decision**

**Highland Mews at Sparkill Plans - Approved with Modifications
and Conditions**

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TO: Robert Prier, Esq. 17 South Broadway, Nyack, New York, 10960
FROM: Architecture and Community Appearance Board of Review

RE: Highland Mews at Sparkill Plans: The application of John Mascia, owner, for the Review of Site/Structure Plans, at a site to be known as "Highland Mews at Sparkill Plans", accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 653 Main Street, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49 in the CS zoning district and in the Sparkill Hamlet Overlay Zone.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at meetings held **Thursday, May 19 and June 2, 2011**, at which time the Board made the following determinations:

May 19, 2011

John Mascia appeared and testified.

The Board received the following items:

1. Architectural Plans prepared Jorge L. Lopez, R.A., dated September 29, 2009:
 - T-1: Title Sheet
 - A-1: Elevations
 - A-2: Basement Plan
 - A-3: First and Second Floor Plans (Units 1 & 2)
 - A-4: First and Second Floor Plans (Units 3 & 4)
 - A-5: General Notes, Wall Sections & Plumbing
 - A-6: Fire Separation Wall Details

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2. Site Plans prepared by William Youngblood Land Surveying, PC, dated January 30, 2006, last revised February 8, 2011, unless noted:
 - Drawing 1 of 3: Minor Subdivision Plan
 - Drawing 2 of 3: Grading, Utility & Erosion Control Plan
 - Drawing 3 of 3: Detail Plan, last revised November 5, 2010
3. Copies of the following Board Decisions: ZBA #11-05, Front Yard Variances Approved for Lots #1, #2, #3 & #4, dated January 19, 2011 and PB #10-30 and PB 10-31, Preliminary Site Plan Approval Subject to Conditions; Neg. Dec., and Preliminary Subdivision Approval Subject to Conditions, Neg. Dec. both dated October 27, 2010.

FINDINGS OF FACT

1. The Board found that the proposed structure would have a front façade of brick in Boudreaux (brown with white dusting) manufactured by Glengarry Brick. The quoins would be brick, as well. There is a possibility that the gables of the structure may be faced in stucco due to issues with high tension wires accessibility. If that is the case, the gables would be beige stucco. The other three sides would be Hardiplank siding in Khaki color in a smooth finish. The roof would be shingles Manufactured by Timberline, in charcoal color. All trim on the structure would be Azek (a synthetic wood material), painted black. The deck would be Trac decking, the floor would be dark brown and the railing would be white.
2. The Board found that the applicant proposed a chain link fence around the dumpster, however, the Board requested that a solid fence be considered.
3. The Board found that the lighting poles at the rear of the development reached a height of 20 feet. The Board requested the applicant to consider a lower height of 14 feet, since this area contained many residential properties.
4. The Board found that before a decision could be rendered by the Board, the applicant needed to provide additional information regarding the following information: lighting on the site, fencing, landscaping on the front of the site, the location of the air conditioning units, the front stoop elevations, the dumpster enclosure and the deck materials.

THE APPLICANT REQUESTED A CONTINUATION

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**Highland Mews at Sparkill Plans - Approved with Modifications
And Conditions**

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June 2, 2011

Robert Prier and John Mascia appeared and testified.

The Board received the following items:

1. Architectural Plan: A-1: Elevations prepared Jorge L. Lopez, R.A., dated September 29, 2009, revised May 25, 2011.
2. Site Plans prepared by William Youngblood Land Surveying, PC, dated January 30, 2006, last revised May 23, 2011:
 - a. Grading, Utility & Erosion Control Plan
 - b. Landscaping and Lighting Plan
 - c.

FINDINGS OF FACT:

1. The Board found that the revised Lighting Plan included the removal of the 20 foot light polls in the rear of the site and the installation of new wall packs mounted on the side of the building. The applicant did not include lighting cuts or diagrams of the proposed lights, the types of light fixtures to be placed above the doorways or the field of light created by each light fixture on the site. The Board held that the Lighting Plan did not provide enough information to render a final determination and was incomplete.
2. The Board found that the applicant proposed to construct two 6 foot high fences backing up to one another along the rear property line; a chain link fence facing the neighboring properties and a wood stockade fence facing the new development. The Board and the applicant determined that a more aesthetic solution would be to erect a single 6 foot high white vinyl fence.
3. The Board found that four air conditioning units were shown on the Site Plan. The stoops were now shown on the plans and would be constructed out of concrete. The plans presented had some drafting errors that need to be corrected.
4. The Board found that a detail of the dumpster enclosure had been provided on Sheet 3 of the Site Plans. The enclosure consisted of Split Face Decorative Block 6' high on three sides, with a chain link fence with a gate with self latching Latch and wood or Vinyl Extruder Slats on the front.
5. The Board found that signage was not included in this application. Any businesses that locate in the retail spaces on the lower level of the development shall make application to ACABOR for its sign.

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

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Highland Mews at Sparkill Plans - Approved with Modifications and Conditions

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DECISION: In view of the foregoing and the testimony before the Board, the application was **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The proposed structure will have a front façade of brick in Boudreaux (brown with white dusting) manufactured by Glengarry Brick. The quoins will be brick, as well. There is a possibility that the gables of the structure may be faced in stucco due to issues with high tension wires accessibility. If that is the case, the gables will be beige stucco. The other three sides will be Hardiplank siding in Khaki color in a smooth finish. The roof will be shingles, Manufactured by Timberline in charcoal color. The trim will be Azek (a synthetic wood material), painted black. The deck will be Trac decking, the floor will be dark brown, and the railing will be white.
2. **The architectural plans shall be revised** to note that where the hardiplank meets the brick, the hardiplank will be cut in a straight edge, not cut around the bricking as depicted on the presented plans.
3. **The architectural plans shall be revised** to eliminate the middle line on all of the elevations, possibility a drafting error.
4. The application was amended to not include the Lighting Plan. The applicant shall reappear in front of the Board at a later date with a completed Lighting Plan for the project site. **The reappearance shall occur prior to appearing in front of the Planning Board for Final Site Plan Approval.**
5. Along the rear property line, the applicant shall erect a single 6 foot high white vinyl fence. **The Site Plan shall be amended to note the change in type of fencing.**
6. The air conditioning unit presently noted at the east rear corner of Building #2, shall be moved to the south side of the building under the deck. In addition, all Utility Meters shall be moved to the rear of the buildings. **The Plans shall be revised to note the change in location of the air conditioning unit and Utility Meters.**
7. The detail of the dumpster enclosure was provided on Sheet 3 of the Site Plans. The enclosure consists of Split Face Decorative Block 6' high on three sides, with a chain link fence with a gate with self latching Latch and wood or Vinyl Extruder Slats on the front.

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Town of Orangetown Architecture and Community Appearance
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**Highland Mews at Sparkill Plans - Approved with Modifications and
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8. Signage is not included in this application. Any businesses that locate in the retail spaces on the lower level of the development shall make application to ACABOR for its sign.
9. Trees to be saved shall be protected with snow fencing to the drip line during construction.
10. No grading is to take place within five feet of any property line, except as specified on the approved site plan.

The foregoing resolution was presented and moved by Jack Messina and seconded by Michael Bosco and carried as follows: James Dodge, abstain; Dan Sherman, aye; Michael Bosco, aye, Jack Messina, aye, Jill Fieldstein, aye; Paul Papay, aye and Larry Vail, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Decision and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: June 2, 2011

Town of Orangetown

Architecture and Community Appearance Board of Review.

ACABOR #11- 13

Town of Orangetown – Architecture and Community Appearance Board of Review Decision

Muddy Brook Café Plan - Approved with a Modification and Condition
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TO: Colette Curry, 14 South Main Street, Pearl River, New York 10965
FROM: Architecture and Community Appearance Board of Review

RE: Muddy Brook Café Plan: The application of Colette Curry, applicant, for Anthony Incognoli, owner, for the Review of an outdoor café plan at a site known as “Muddy Brook Café Plan,” in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 14 South Main Street, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 8 in the CS zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Thursday, June 2, 2011**, at which time the Board made the following determinations:

Colette Curry and David Curry appeared and testified.

The Board received the following items:

1. Photographs of the sidewalk in front of the Muddy Brook Café, noting the width of the walkway, proposed street furniture to be used – to include tables and chairs.
2. A letter from Joan Noonan, an area resident, dated May 31, 2011.

FINDINGS OF FACT:

1. The Board found that the applicant proposed to place two tables and four chairs on the north side of the entrance to the store. Presently, there is a bench located on the south side of the entrance. The Board requested that one table and two chairs be placed on either side of the entrance rather than both on the same side. The applicant stated that they would prefer the placement of both tables on the same side, enabling them to view the tables from the interior of the restaurant. In addition, an old telephone booth takes up space on the south side and an entrance to the apartment on the upper level of the structure is also on that portion of the sidewalk.
2. The Board found that the restaurant closes at 3 p.m. on weekdays and 5 p.m. on weekends, therefore, the street furniture would be taken in at the time of closing. The space between the furniture and the grate of the street would be 2.5 feet.
3. The Board found that a similar outdoor dining area exists on the same stretch of sidewalk, further down the street at Diane’s Kitchen.

The hearing was then opened to the Public.

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Town of Orangetown – Architecture and Community Appearance Board of Review Decision

Muddy Brook Café Sidewalk Café Plan - Approved with a Modification and Condition

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Public Comments:

Joan Noonan, an area resident, raised concerns regarding the availability of the sidewalk to walk on once the street furniture was placed on the sidewalk. In addition, Ms Noonan raised concerns regarding the condition of the street paving and bricking, noting the safety to pedestrian traffic.

Kay McGinnis, a patron of the Muddy Brook Café, supports the placement of the street furniture, noting that it would not be a hindrance to pedestrian traffic and safety.

The Public Session was closed.

DECISION: In view of the foregoing and the testimony before the Board, the application was **APPROVED SUBJECT TO THE FOLLOWING MODIFICATION AND CONDITION:**

1. The applicant shall place the tables and chairs on the south side of the store entrance (two tables and four chairs) and the bench shall be placed on the north side of the store entrance. The Chairman of the Board revised a plan to note the placement of the street furniture, signed and dated the plan.
2. The applicant shall contact the owner of the telephone booth and try and have the booth removed.

The foregoing resolution was presented and moved by James Dodge and seconded by Larry Vail and carried as follows: James Dodge, aye; Dan Sherman, aye; Michael Bosco, aye, Jack Messina, aye, Paul Papay, nay; Jill Fieldstein, aye and Larry Vail, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Decision and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: June 2, 2011

Architecture and Community Appearance Board of Review